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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Susumu Takatsuka
Serial No.:	09/919,356
Filed:	July 31, 2001
Title:	COMMUNICATION SYSTEM, COMPUTER PROGRAM...
Examiner:	John B. Walsh
Group Art Unit:	2151
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May 20, 2008

Commissioner for Patents
P.O. Box 1450
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AMENDED APPEAL BRIEF

SIR:

The following amended Appeal Brief is submitted in response to the Notice of Non-compliant Appeal Brief issued on May 7, 2008, setting a one-month period for response. A Notice of Appeal was filed on March 17, 2008, along with a Pre-Appeal Brief Conference Request. Appellant appeals to the Board of Patent Appeals and Interferences from the Final Office Action dated December 31, 2007, finally rejecting claims 24-28.

All requisite fees, including those for this Brief set forth in 37 C.F.R. § 41.20(b)(2), may be charged to Deposit Account No. 50-1290.

I. Real party in interest

The real party in interest is Sony Computer Entertainment, Inc., a Japanese corporation with offices at 1-1 Akasaka 7-chome, Minato-ku, Tokyo 107-0052 Japan.

II. Related appeals and interferences

Upon information and belief, there are no other appeals or interferences, which will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. Status of claims

Claims 24-28 are pending, stand rejected, and are herein appealed.

Claims 1-23 – Cancelled

Claims 24-28 – Pending

Claim 29 – Cancelled

IV. Status of amendments

All amendments to the claims, the last being filed on October 11, 2007, have been entered and considered by the Examiner and were before the Examiner prior to the Final Rejection of December 31, 2207, which is being appealed herein.

V. Summary of claimed subject matter

Reference is made herein to Figure and element numbers or paragraph numbers from U.S. Published Patent Application No. 2002/0038345 for ease of reference to the specification.

Independent claim 24 is directed to a user operated computer program execution device (Fig. 2, 12) connectable to a server (Fig. 1, 104) via a network (Fig. 1, 102) and having at least a display device (Fig. 2, 18), wherein a performance information file (Fig. 5, 200) includes sequence information (Fig. 6) that constitutes a performance and flag information (Fig. 20) that defines movements or expressions of characters (Fig. 12, see page 20, line 8 – page 22, line 5) that appear in the sequence information (Fig. 6), the user operated computer program execution device (Fig. 2, 12). The program execution device includes means for processing (Fig. 3, 401) movement data files (Fig. 18, 220) stored in the user operated computer program execution device (Fig. 2, 12), the movement data files (Fig. 18, 220) including movement data corresponding to the flag information (See page 24, lines 7-12; page 25 lines 2-8), means for receiving (Fig. 23, 302) from the server (Fig. 1, 104) the performance information file (Fig. 5, 200) by the computer program execution device (Fig. 2, 12); (See page 29, line 12- page 30, line 2; page 32, lines 22-25), means for composing (Fig. 23, 304) the performance by selecting from the movement data (Fig. 18, 220) the data that corresponds to the flag information (Fig. 6) registered on the performance information file (Fig. 5, 200) to define the movements and expressions of characters (Fig. 12) and utilizing the sequence information to order the movement data(page 35, lines 1-7), and program display means (Fig. 23, 314) for displaying the composed performance on the display device (Fig. 2, 18; page 45, lines 6-13).

Next, independent claim 25 is directed to a communication system (Fig. 1, 100) having a network (Fig. 1, 102), a server (Fig. 1, 104), and an entertainment system (Fig. 1, 10) connectable to the server via the network wherein a performance information file (Fig. 5, 200) includes sequence information (Fig. 6) that constitutes a performance and flag information (Fig. 20) that defines movements or expressions of characters that appear in the sequence information

(See page 20, line 8 – page 22, line 5). The entertainment system includes means for processing (Fig. 3, 401) movement data files (Fig. 18, 220) stored in a computer (Fig. 2, 12) of the entertainment system (Fig. 1, 10), the movement data files (Fig. 18, 220) including movement data corresponding to the flag information (See page 24, lines 7-12; page 25 lines 2-8), means for receiving (Fig. 23, 302) from the server (Fig. 1, 104) the performance information file (Fig. 5, 200) by the computer(Fig. 2, 12), means for composing (Fig. 23, 302) the performance by selecting from the movement data (Fig. 18, 220) the data that corresponds to the flag information (Fig. 6) registered on the performance information file (Fig. 5, 200) to define the movements and expressions of characters (Fig. 12) and utilizing the sequence information to order the movement data (page 35, lines 4-7), and program display means (Fig. 23, 314) for displaying the composed performance on a display device (Fig. 2, 18; page 45, lines 6-13) of the entertainment system (Fig. 1, 10).

Finally, independent claim 28 is directed to a user operated computer program execution device (Fig. 2, 12) connectable to a server (Fig. 1, 104) via a network (Fig. 1, 102). The program execution device includes means for processing (Fig. 3, 401) movement data files (Fig. 18, 220) stored in the user operated computer program execution device (Fig. 2, 12), the movement data file (Fig. 18, 220) including movement data corresponding to the flag information (See page 24, lines 7-12; page 25 lines 2-8), means for receiving (fig. 23, 202) from the server (Fig. 1, 104) a performance information file (Fig. 5, 200) by the computer program execution device (Fig. 2, 12), and means for composing (Fig. 23, 304) a performance by selecting from the movement data (Fig. 18, 220) the data that corresponds to the flag information (Fig. 6) registered on the performance information file (Fig. 5, 200) to define the movements and expressions of characters (Fig. 12) and utilizing the sequence information to order the movement data (page 35 lines 4-7),

and program display means (Fig. 23, 314) for displaying the composed performance on a display device of the computer program execution device (Fig. 2, 18; page 45, line 6-13), wherein the performance information file (fig. 5, 200) includes the sequence information (Fig. 6) that constitutes the performance and the flag information (Fig. 20) that defines movements or expressions of characters (Fig. 12; See page 20, line 8 – page 22, line 5) that appear in the sequence information (Fig. 6).

All the claims stand or fall together.

VI. Grounds of rejection to be reviewed on appeal

1. Whether or not claims 24-28 are anticipated under 35 U.S.C. § 102(e) by United States Patent No. 6,810,528 to Chatani et al. (hereinafter referred to as Chatani)

VII. Argument

Applicants request review of the final rejection of December 31, 2007. Claims 24-28 are pending in the instant application.

In the office action, claims 24-28 are rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,810,528 to Chatani et al. (hereinafter referred to as Chatani). Applicants respectfully traverse.

The present invention, as recited for example in claim 24, includes the processing and display of a program on a terminal without the need to broadcast the entire program over a network. To enable the creation of the program without the need for transmitting the entire program over the network claim 24 recites a performance information file. A performance information file, as recited in the claims, includes two separate types of data. The first is sequence information that "constitutes a performance," and the second is flag information that "defines movements or expressions of characters that appear in the sequence information."

Separately, a computer program execution device, which receives the performance information file, stores a third type of data and these are called "movement data files." These movement data files have a correlation to the flag information part of the performance information file.

To display the performance, the performance information file, not the entire performance (that is the performance information file does not include any movement data), is sent from the server to the computer program execution device. At the computer program execution device, a means for composing the performance selects from the movement data that is stored thereon, those portions of the movement data which correspond to the flag information that was received as part of the performance information file. These selected portions of the movement data are then put into the proper order to form the performance using the sequence information that was also included in the performance information file. The performance, so composed with the selected movement data and placed in the proper order is then displayed on the display means.

It is submitted that the relied upon portions of Chatani do not teach such features, particularly the use of three separate types of data or information namely the performance information file comprised of the flag information and sequence information, and the movement data files that are resident on the computer program execution device.

As has been argued previously, each type of data recited in the claims is not identical to every other type of data, indeed, movement data, flag information, and sequence information are each defined in the specification and claims and those definitions clearly distinguish these three types of data from the data described in Chatani.

As best understood, the relied upon portions of Chatani relates to on-line gaming wherein a user's operations are transmitted to a server, the server processes the information and then

game information is returned to the user. That is, in one embodiment, the server transmits a completed game update to the users' display and there is no processing performed by the game console 60. (See col 9, lines 15-47). Alternatively, there is also taught in the Chatani local operation in a non-networked application. (See col. 8, lines 55-65). Clearly both of these applications are not what is recited in the instant claims.

Finally, there is what is called "Networked Operation with Local Audio/Visual Control. (col. 8, lines 66-col. 9, line 15). But this limited disclosure does not include any reference to what types of data are transmitted from the server to the game console. The relied upon passage merely states the following:

> In this case, although respective server and console side program components are executed in consort, with data sharing taking place across the bi-directional CATV network 40, upon execution of the console-side program component loaded into the main memory 114, sound and graphics controls are still processed by the image processor 120, IPU 138 and/or SPU 171, respectively, in accordance with user input from the game controller or input device 132 and/or updated status information received from the game server 10 through signal band a, and such audio and video outputs are sent to the display monitor 80.

Nothing here states that the game consol receives a performance information file from the server, particularly one that includes both flag information and sequence information, and that these two types of data are used in conjunction with movement data, resident on the game console, to compose a program to be viewed on the display.

Separately, the final office action alleges that Chatani at col. 5, lines 39-40 teaches a performance information file. But this portion of the reference merely states that:

> For example, through the communications interface 140, user input data may be transmitted to, and status data received from, a server terminal 10 (see FIG. 2).

Again, there is nothing in the reference to suggest that "status data" is the same thing as a performance information file, let alone one comprised of sequence information and flag information.

As best understood, the final office action attempts to allege movement data is found in the reference at col. 5, lines 16-18. But once again nothing in this passage teaches that the "moving images and texture images" described therein correspond to flag data and movement data as defined in the instant claims.

Thus as shown above, the relied upon portions of Chatani do not teach a system as recited in the instant claims utilizing a performance information file comprised of flag information and sequence information, particularly one that is sent from a server to a computer for further use in creating a performance. Nor does Chatani teach the utilization of a performance information file to compose and sequence movement data stored a computer to create a performance where the flag data identifies which of the movement data stored locally on the computer is to be used in the performance and the sequence data is used to order the movement data.

Accordingly, it is submitted that independent claims 24, 25, and 28 patentably distinguish over the relied upon portions of Chatani and are allowable. Claims 26 and 27 which depend from one of these base claims is allowable therewith.

Conclusion

Claims 28-28 are patentable over Chantani. Accordingly, it is respectfully submitted that the Examiner erred in rejecting claims 24-28 and a reversal of such rejections by this Board is solicited.

Respectfully submitted,

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VIII. Claims Appendix

Claims 1-23. (cancelled)

24. A user operated computer program execution device connectable to a server via a network and having at least a display device, wherein a performance information file includes sequence information that constitutes a performance and flag information that defines movements or expressions of characters that appear in the sequence information, the user operated computer program execution device comprising:

means for processing movement data files stored in the user operated computer program execution device, the movement data files including movement data corresponding to the flag information;

means for receiving from the server the performance information file by the computer program execution device;

means for composing the performance by selecting from the movement data the data that corresponds to the flag information registered on the performance information file to define the movements and expressions of characters and utilizing the sequence information to order the movement data; and

program display means for displaying the composed performance on the display device.

25. A communication system having a network, a server, and an entertainment system connectable to the server via the network wherein a performance information file includes sequence information that constitutes a performance and flag information that defines

movements or expressions of characters that appear in the sequence information, the entertainment system comprising:

means for processing movement data files stored in a computer of the entertainment system, the movement data files including movement data corresponding to the flag information;

means for receiving from the server the performance information file by the computer;

means for composing the performance by selecting from the movement data the data that corresponds to the flag information registered on the performance information file to define the movements and expressions of characters and utilizing the sequence information to order the movement data; and

program display means for displaying the composed performance on a display device of the entertainment system.

26. The communication system of claim 25, wherein the entertainment system is adapted to transmit contributed texts of users to the server.

27. The communication system of claim 25, wherein the entertainment system is adapted to display an opening image on the display means during a reception of the performance information file from the server, and displaying the series of the performances after the reception of the performance information file is completed.

28. A user operated computer program execution device connectable to a server via a network, comprising:

means for processing movement data files stored in the user operated computer program execution device, the movement data file including movement data corresponding to the flag information;

means for receiving from the server a performance information file by the computer program execution device;

means for composing a performance by selecting from the movement data the data that corresponds to the flag information registered on the performance information file to define the movements and expressions of characters and utilizing the sequence information to order the movement data; and

program display means for displaying the composed performance on a display device of the computer program execution device;

wherein the performance information file includes the sequence information that constitutes the performance and the flag information that defines movements or expressions of characters that appear in the sequence information.

29. (cancelled)

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.